

Senate Bills 13 and 14
January 22, 2009
Presented by Chris Smith
Senate Fish and Game Committee

Mr. Chairman and committee members, for the record I am Chris Smith, Deputy Director of Montana Department of Fish, Wildlife & Parks (FWP).

This committee is well aware of the conflict surrounding fish production at the Ft. Peck Hatchery and the need to find a long term funding solution for the facility. Every legislature since the 1999 session has wrestled this issue. It is time to put it behind us all and move forward. Unfortunately, SB 13 and 14 will not resolve the issue, they merely open old wounds and perpetuate the battle.

Following the debates on this subject last session, the department undertook a ten month long collaborative effort, bringing together conflicting interests in search for a win-win solution. We established a committee that included representation from Walleyes Unlimited, Walleyes Forever, Trout Unlimited, each of our Regional Citizens Advisory Committees, Mike Volesky of the Governor's office and Senators Tropila and Bales. The committee met three times, once at Ft Peck and twice in Lewistown. At the first meeting they identified 11 alternatives for funding the hatchery. Over the course of the next two meetings they whittled these down to two alternatives:

- Increasing the warmwater stamp by \$3 and making no changes to the statutes related to fish propagation at Ft Peck. The warm water stamp would be required of any resident or non-resident fishing in certain Montana waters.

- Increasing the fishing license by \$1-2, eliminating the warmwater stamp and integrating the Ft. Peck Hatchery into FWP's system of hatcheries. Raising warmwater fish to meet stocking requests would remain the top priority of the hatchery.

FWP issued a statewide press release describing these alternatives and seeking public input on them. Based on about 150 comments received, the second alternative was favored by a 15-1 margin. This alternative was also preferred by each of the CACs (see attached letter) as well as many other individual anglers and angling groups. The Great Falls Chapter of Walleyes Unlimited took a straw poll among 76 members at their meeting last month and 66 members (88%) favored the second alternative.

Senate Bills 13 and 14 do not reflect either alternatives stemming from the deliberations of the broad-based committee. Nor are they consistent with the input of the vast majority of anglers that have contacted FWP. These bills represent the interest of a small segment of Montana anglers that hope to benefit at the expense of other anglers in the state. These bills would require the department to redirect about \$250,000 of our limited Wallop-Breaux federal funding to Ft. Peck and reduce production at other state hatcheries, with no commensurate benefit for other anglers.

Governor Schweitzer's decision not to raise any fees or taxes this session preclude FWP from proposing a bill that meets all the requirements of the second alternative. However we have been working with Senators Bales and Tropila, and consulting with Walleyes Unlimited and Trout

Unlimited and others to develop a bill that would come as close as possible to meeting the outcome of the committee's deliberations as well as what we believe are the interests of the vast majority of the anglers in the state. A copy of the latest draft of that bill is attached. Fully resolving the funding dilemma will have to wait until 2011, but that will be part of a much broader discussion about refinancing the entire agency, not just one hatchery.

We believe that the bill we are developing, rather than SB 13 or SB 14, represents a positive way forward on this issue. We encourage you to quickly table both of these bills and encourage Senators Bales and Tropila to bring forward LC 1523 so that FWP can focus on producing fish and anglers can focus on catching fish, instead to spending more time in pointless arguments.

Attachments: Draft Bill for Ft Peck Hatchery
Joe Schaffer Letter

CD-ROM Draft Copy

Last printed 1/22/2009 8:13 AM

Fort Peck Hatchery Revised.doc

*** Bill No. ***

Introduced By *****

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE LAW REGARDING PROPAGATION OF WARM AND COLD WATER SPECIES OF FISH AT THE FORT PECK HATCHERY; AUTHORIZING THE USE OF ADDITIONAL FUNDING SOURCES FOR OPERATION, MAINTENANCE AND PERSONNEL COSTS AT THE HATCHERY; REPEALING SECTION 87-3-236, MCA; AND PROVIDING EFFECTIVE DATES."

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 87-3-235, MCA, is amended to read:

"87-3-235. Fort Peck multispecies fish hatchery established. (1) There is a multispecies fish hatchery near Fort Peck dam. The primary purpose of the hatchery is to provide healthy warm water game fish to improve the warm water fishing opportunities in Montana ~~with minimal impact on cold water fish populations~~. Administration of the hatchery must be by the department, consistent with the department's authority provided for in 87-3-201.

(2) The multispecies hatchery is intended to use 96 acres of rearing ponds to produce warm water species. The hatchery is to employ land available through long-term

CD-ROM Draft Copy

Last printed 1/22/2009 8:13 AM

Fort Peck Hatchery Revised.doc

lease from the U.S. army corps of engineers. It is intended that the hatchery use free, high-quality water from the dredge cut adjacent to Fort Peck dam. Electric power for the hatchery may be purchased from Fort Peck dam at the lowest available rate.

(3) Warm (a) Propagation of warm water species propagated at the hatchery including, but not limited to: may include largemouth bass (*Micropterus salmoides*), smallmouth bass (*Micropterus dolomieu*), walleye (*Stizostedion vitreum Sander vitreum*), sauger (*Stizostedion canadense Sander canadensis*), black crappie (*Pomoxis nigromaculatus*), white crappie (*Pomoxis annularis*), channel catfish (*Ictalurus punctatus*), yellow perch (*Perca flavescens*), northern pike (*Esox lucius*), pallid sturgeon (*Scaphirhynchus albus*), paddlefish (*Polyodon spathula*), tiger muskellunge, other warm water species classified as species of special concern, threatened, or endangered, and bait fish, including cisco (*Coregonus artedii*) must be given priority over propagation of any other species; The hatchery may also include raceways for salmon.

(b) Propagation of cold water species may not displace or reduce propagation of warm water species;

CD-ROM Draft Copy

Last printed 1/22/2009 8:13 AM

Fort Peck Hatchery Revised.doc

(c) No more than 5% of the fish propagated at the hatchery may be cold water species; and

(d) The department shall annually publish the numbers of each species of fish produced at the hatchery."

(4) Costs for hatchery ~~construction~~, operation, maintenance, and personnel are to be funded with revenue in the warm water game fish accounts established in 87-3-236, or any other funds available to the department. ~~It is intended that the hatchery be constructed in stages as revenue becomes available in the warm water game fish accounts established in 87-3-236.~~

NEW SECTION. Section 2. {standard} Repealer. Section 87-3-236, MCA, is repealed.

NEW SECTION. Section 3. {standard} Effective dates.

- (1) Section 1 is effective on passage and approval.
- (2) section 2 is effective on March 1, 2012.

-END-



Gary Bertellotti, Regional Supervisor
Region 4 Montana Fish Wildlife & Parks
4600 Giant Springs Road
Great Falls, MT 59405

Re: Position Statements and Recommendations for Montana's Hatchery System

Dear Gary,

Montana's fisheries have always been one of the state's most incredible natural resources, with the diversity and bounty few states can compare to. Since its inception, the Region 4 Citizens Advisory Council (CAC) has had the pleasure of coming to understand the role that Fish Wildlife & Parks (FWP) and the Montana State Hatchery System plays in sustaining our fisheries and the success in this endeavor as a result of sound management, good decision making and incredible passion. This passion has recently been matched by local sportsmen and women from Eastern Montana and their efforts culminating in the establishment of the Fort Peck Fish Hatchery.

However, we have also come to recognize the increased costs and challenges of keeping our hatchery system's vitality, the inherent issues for the future management of the new hatchery at Fort Peck, and the need to sustain our fisheries for future generations to come. Therefore, as an advisory committee to FWP, we have collectively come to the following position and offer these recommendations for the management of the state's hatcheries.

1. It is our opinion that by managing the Fort Peck Fish Hatchery as a separated facility, with separate legislation, and a separate operations approach focusing only on warm water species that the stability for this hatchery is in jeopardy. Therefore we are recommending that the Warm Water Stamp and its legislation be removed, the hatchery be assimilated into the Montana State Hatchery System, and that the hatchery remove species restrictions. However, we believe it is essential that the Fort Peck Hatchery remain dedicated first and foremost to enhancing the warm water, especially Walleye, fisheries in our State. We realize the Governor has requested no legislation be brought forward by FWP on issues such as this, but want to stress that the issue is important and should be considered sooner than later.
2. Collectively, we recommend that FWP and the state look towards a systems approach to the management of ALL of the state's fish hatcheries and utilize them to their fullest potential to mitigate rising costs associated with their operation (e.g. rising fuel costs, staffing restrictions, etc) and increase efficiency.
3. In recognition of current constraints and anticipation of future increases in the cost of managing and expanding the Montana State Hatchery System, including the hatchery at Fort Peck, we recommend that the 2007 Montana Legislature pass legislation to increase the general Fishing License Fee by \$5.00. We recommend that this increase NOT be applied to youth licenses.

Our committee, representing Montana's citizenry across the board, recommends the above activities believing that they can be enacted within the state's abilities and boundaries. We stress that this is the voice of the non-vocal majority and not that of special interest groups who have in past directed legislation and management decision making. In addition we strongly recommend that FWP also explore additional options for the funding of the Fort Peck hatchery, or any other hatcheries in the state. These may include Federal funding, Western Area Power Administration (WAPA), Pick-Sloan, or Water Resource Development funds.

In closing, we applaud the efforts that made the Fort Peck Fish Hatchery a reality, and FWP's undaunted dedication to sustaining and improving the state's fisheries.

Respectfully submitted,

Joe Schaffer (601 Pine Ridge Court, Great Falls, MT 59405 || 406-453-0401)
on behalf of the **Members of the Region 4 MT FWP Citizens Advisory Council**

Cc: Governor Brian Schweitzer
Region 4 Senate & House District Representatives
Jeff Hagener, Director Montana Fish, Wildlife & Parks